

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JAMES WASHINGTON, JR.,

Plaintiff,

9:21-cv-2 (BKS/CFH)

v.

ALLEN, Corrections Sergeant,

Defendant.

Appearances:

Plaintiff pro se:

James Washington, Jr.
17556
Jefferson County Jail
753 Waterman Drive
Watertown, NY 13601

For Defendant:

Paul V. Mullin
Sugarman Law Firm LLP
211 West Jefferson Street
Syracuse, NY 13202

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff James Washington, Jr. commenced this action asserting claims under 42 U.S.C. § 1983 arising out of his incarceration at the Jefferson County Correctional Facility. (Dkt. No. 1). On May 5, 2022, Defendant filed a motion to dismiss under Fed. R. Civ. P. 41(b) for failure to prosecute. (Dkt. No. 26). Plaintiff did not file a response. This matter was assigned to United States Magistrate Judge Christian F. Hummel who, on January 9, 2023, issued a Report-Recommendation recommending that Defendant's motion to dismiss be granted and that Plaintiff's complaint be dismissed with prejudice. (Dkt. No. 29). Magistrate Judge Hummel

advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 29, at 10–11).

No objections to the Report-Recommendation have been filed. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is


ORDERED that the Report-Recommendation (Dkt. No. 29) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendant’s motion to dismiss (Dkt. No. 26) is **GRANTED** and Plaintiff’s complaint (Dkt. No. 1) is **DISMISSED with prejudice**; and it is further

ORDERED that the Clerk serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: February 2, 2023
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge